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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,480	08/15/2003	Chih - Ching Hsien	PUSA030716	5998
7590		04/07/2004	EXAMINER	
Chih - Ching Hsien		SHAKERI, HADI		
58, MA YUAN WEST ST.		ART UNIT		
TAICHUNG,		PAPER NUMBER		
TAIWAN		3723		

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,480	Applicant(s) HSIEN, CHIH - CHING	
	Examiner Hadi Shakeri	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, "vertical manner", line 3 renders the claim indefinite because it is unclear, what structure and/or formation is being claimed. The limiting grooves intersect the slideway transversely as recited, it is unclear how the claim is further limited by "vertical manner". It is also noted that the grooves to be horizontal, even though "vertical", "horizontal"... would depend on the tool's orientation. It is also noted that "movable rod" is improper, since a "retractable shank" appears to be positioned, during operation, stationary while the handle is moved relative to the shank. Further line 7, "either one", should be changed to, --any one--.

4. Claim 9 recites the limitation "the receiving chamber" in line 3. There is insufficient antecedent basis for this limitation in the claim. Further "can be" is objected to for not positively reciting the limitation.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

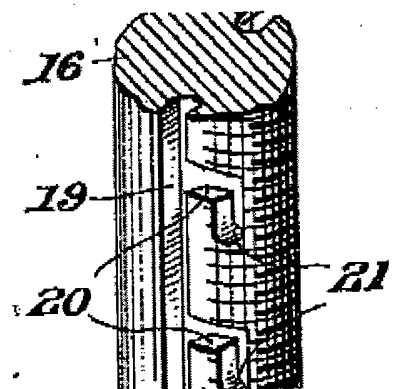
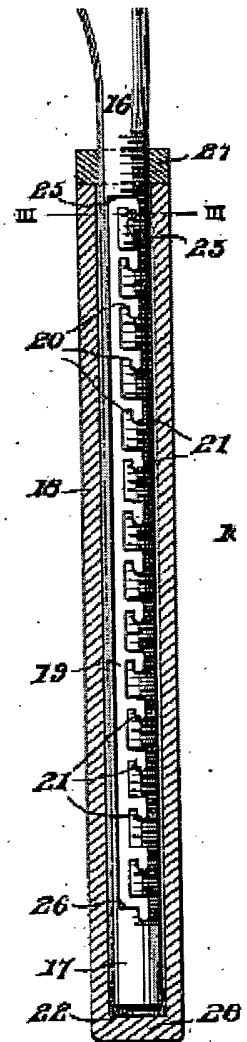
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6. Claims 1-3, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Jagielo, US Patent No. 1,284,351.

Jagiello discloses all of the limitations of claim 1, i.e., a retractable shank including a rod (17) having longitudinally arranged slideway (19) formed on an outer wall; a plurality of transversely arranged limiting grooves (20) intersecting the slideway; a handle telescopically mounted on the retractable shank (18); and at least one fixing pin (23) extended through the handle and having a distal end slidably mounted in the slideway (19) of the movable rod of the retractable shank and slidably positionable in any one of the limit grooves of the movable rod of the retractable shank.

Regarding claims 2 and 3, wherein the limit grooves are in parallel with each other; and wherein each of the limit grooves has an end provided with a protruding stop portion (defined by the end of the groove opposite the slideway, which is protruding from a bottom of the groove) for stopping and positioning the fixing pin.

Regarding claims 7-11, wherein the handle has a periphery formed with at least one through hole for receiving the fixing pin (23); wherein the handle has an inside formed with a receiving chamber, and the through hole of the handle communicates with the receiving chamber of the handle, and wherein the movable rod of the retractable shank is retracted into and expanded outward from the receiving chamber of the handle, so as to adjust the distance between the retractable shank and the handle; and wherein each of the limit grooves of the movable rod of the retractable shank has a wall formed with a positioning recess extended downward (21) for positioning the fixing pin and having a protruding stop portion.



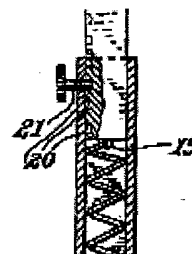
Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4- 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagielo in view of Hrenczuk (1,431,805).

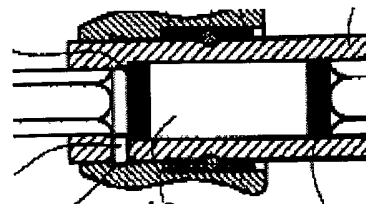
Jagielo meets all of the limitations of the above claims, except for an elastic member mounted between the shank and the handle. Hrenczuk teaches a retractable handle wherein a spring is positioned between the shank and a "handle" mounted on the shank.



It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Jagielo with the spring as taught by Hrenczuk to bias the shank to extended position.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jagielo in view of Hrenczuk and Lin (6,666,114).

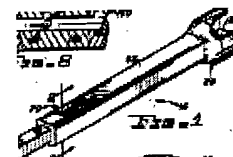
Jagielo modified in view of Hrenczuk for biasing the shank in extended position (see section 8) meets all the limitation of claim 12, except for the use of magnets to bias the element apart. Lin teaches the use of magnet with poles arranged to repulse in lieu of spring. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to further modify the modified invention of Jagielo and Hrenczuk, by replacing the spring with magnets as taught by Lin for smoother operation.



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10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jagielo in view of Newby et al. (4,376,397).

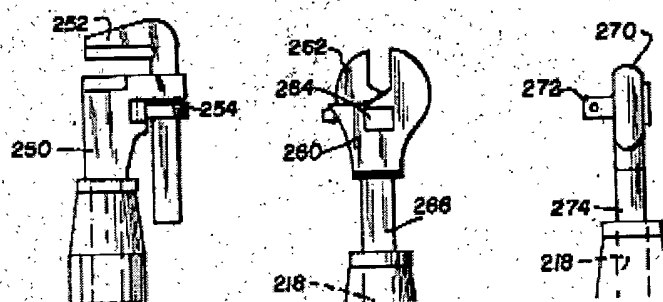
Jagiello meets all of the limitations of the above claim, except for disclosing a driving portion for end of the handle. Newby et al. teaches a retractable handle wherein one end of the handle may be configured with a driving portion.



It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Jagielo with a handle having a driving portion as taught by Newby et al. to adapt the tool for driving sockets.

11. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagielo in view of McBride (4,409,866).

Jagiello meets all of the limitations of the above claims, except for disclosing different driving portions on the shank. McBride teaches a retractable handle wherein the driving portion of the shank is configured for different types of wrench.



It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Jagielo with different driving portion as taught by McBride to adapt the tool for different tasks.


Conclusion

12. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Twomlow and Lyon are cited to show related inventions.

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13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. All official documents may be faxed to (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.



Hadi Shakeri
Patent Examiner
April 3, 2004